

REMARKS

This Amendment is submitted in reply to the final Office Action mailed on January 5, 2007. A petition for a one month extension of time and Terminal Disclaimer is submitted herewith. The Director is authorized to charge for the petition for extension of time (\$120.00) and Terminal Disclaimer (\$130.00) and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-553 on the account statement.

Claims 1, 3-5 and 7-12 are pending in this application. Claims 2 and 6 were previously canceled. Claims 13-20 were previously withdrawn. In the Office Action, Claims 1, 3-5 and 7-12 are rejected under 35 U.S.C. §112, second paragraph, Claims 1, 3-5 and 7-12 are rejected under 35 U.S.C. §102 and Claims 1, 3-5 and 7-12 are rejected under obviousness-type double patenting. In response Claim 1 has been amended. This amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 1, 3-5 and 7-12 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully submit that Claim 1 has been amended to address the informalities cited by the Patent Office. Based on at least these noted reasons, Applicants believe that Claims 1, 3-5 and 7-12 fully comply with 35 U.S.C. §112, second paragraph.

Accordingly, Applicants respectfully request that the rejection of Claims 1, 3-5 and 7-12 under 35 U.S.C. §112 be withdrawn.

In the Office Action, Claims 1, 3-5 and 7-12 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,997,934 to Geromini et al. ("*Geromint*"). Applicants respectfully disagree with and traverse this rejection for at least the reasons set forth below.

Independent Claim 1 has been amended to recite, in part, a process comprising preparing an uncooked mixture of water and a dry premix mainly comprising cereal flour or semolina and pressing the uncooked mixture using a gear pump. The amendment is supported in the specification, for example, at page 5, lines 3-22. In an embodiment, the gear pump can be operated to impart organoleptic properties to a final extruded product which are superior to those of an extruded product that is subject to pressure and friction while being cooked in an extruder.

The resulting extruded product has properties which are similar to those of a roller dried product that is not subjected to stress during manufacture. In contrast, Applicants respectfully submit that the cited reference fails to disclose or suggest every element of Claim 1.

Geromini fails to disclose or suggest a process comprising preparing an uncooked mixture and pressing the uncooked mixture using a gear pump as required, in part, by Claim 1. *Geromini* also fails to disclose or suggest the extruded product comprises a starch profile having respective proportions of 40-70% amylopectin and 15-35% amylose as required, in part, by Claim 1. For example, as taught by figure 1, *Geromini* discloses a cooking device 1 before the gear pump 3 and another cooking device 2 after the gear pump 3. These cooking devices can be a single-screw or a twin-screw extruder. See, *Geromini*, column 2, lines 50-56. As a result, *Geromini* teaches cooking a mixture before it goes into a gear pump. In addition, the first cooking is followed by a second cooking, which takes more time than the first cooking. Consequently, the profile of the obtained starch in *Geromini* has an amylopectin content of less than 40 % and an amylose content of less than 15 %, which is the normal profile of a starch after having passed through these types of extruder-cooking.

In contrast to *Geromini*, the claimed process works, for example, with low-shear technology similar to roller drying to reach a product having the initial starch profile of the starting raw material. According to an embodiment of the present invention, a first uncooked mixture of the ingredients is passed through the gear pump and the uncooked mixture is subsequently submitted to a cooking. For example, the cooking can be carried out in a heat exchanger. A reason for this is to have a reduced shearing so that the extruded product comprises a starch profile having respective proportions of 40-70% amylopectin and 15-35% amylose in accordance with the present claims. For at least the reasons discussed above, Applicants respectfully submit that Claim 1 and Claims 3-5 and 7-12 that depend from Claim 1 are novel, nonobvious and distinguishable from the cited reference.

Accordingly, Applicants respectfully request that the rejection of Claims 1, 3-5 and 7-12 under 35 U.S.C. §102 be withdrawn.

In the Office Action, Claims 1, 3-5 and 7-12 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-7 of U.S. Patent No. 5,997,934. Submitted with this response is a Terminal Disclaimer disclaiming the terminal

part of any patent granted on the pending application extending beyond the expiration date of the following U.S. Patent No. 5,997,934.

Accordingly, Applicants respectfully request that the provisional rejection of Claims 1, 3-5 and 7-12 under obviousness-type double patenting be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Robert M. Barrett

Reg. No. 30,142

Customer No.: 29157

Dated: April 16, 2007